

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**PAUL MILLER,**

**Defendant.**

**CASE NO. 8:11CR299**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Defendant's objection (Filing No. 30) to the Magistrate Judge's order (Filing No. 29) denying the Defendant's motion to extend the pretrial motion deadline.

Under 28 U.S.C. § 636(b)(1)(A) and NECrimR 59.2, the Court has reviewed the order to which the Defendant objects. A district court may set aside any part of the magistrate judge's order, on a non-dispositive matter, shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

NECrimR 12.3(a) provides:

At the arraignment, the magistrate judge sets discovery and pretrial motion deadlines. These dates are strictly enforced. Motions for an extension of time to file pretrial motions are only granted for good cause shown, and absent good cause shown they must be filed within the pretrial motion filing deadline.

Moreover, Rule 12.3(a) requires a defendant's affidavit or declaration regarding speedy trial exclusion.

In this case, the motion was filed long after the expiration of the pretrial motion deadline, good cause was not shown either with respect to the requested extension or the filing of the motion outside the required time limit, and no affidavit or declaration regarding

speedy trial was provided. The Magistrate Judge's order was not clearly erroneous or contrary to law.

IT IS ORDERED:

1. The Defendant's objection to the Magistrate Judge's order (Filing No. 30) is denied; and
2. The Magistrate Judge's order (Filing No. 29) denying the Defendant's motion to extend the pretrial motion deadline is affirmed.

DATED this 29<sup>th</sup> day of November, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge